

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

1:05-cv-00342-AWI-LJO-P

Plaintiff,

**ORDER ADOPTING FINDING AND
RECOMMENDATIONS** (Doc. 15)

vs.

JEANNE WOODFORD, et al.,

**ORDER DISMISSING CERTAIN
CLAIMS AND DEFENDANTS**

Defendants.

Plaintiff Elroy W. Browning ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On September 2, 2005, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days. To date, plaintiff has not filed objections to the Magistrate Judge's Findings and Recommendations.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed September 2, 2005, is ADOPTED IN FULL;

9 2. This action shall proceed on plaintiff's complaint,
10 filed March 11, 2005, only against defendants Castro, Jackson,
11 and Lopez on plaintiff's excessive force claim;

12 3. Plaintiff's conspiracy claim, due process claims, equal
13 protection claim, claims based on violation of the California
14 Penal Code, and supervisory liability claims are DISMISSED,
15 without prejudice, for failure to state any claims upon which
16 relief may be granted; and,

17 4. Defendants Woodford, Scribner, Sheppard-Brooks, and
18 Grandy are DISMISSED based on plaintiff's failure to state any
19 claims upon which relief may be granted against them.

21 | IT IS SO ORDERED.

Dated: November 9, 2005
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE